

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of J.M.H., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JAMES HINES,

Respondent-Appellant,

and

WAYNETTA HINES,

Respondent.

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UNPUBLISHED

April 5, 2002

No. 236133

Wexford Circuit Court

Family Division

LC No. 00-015432-NA

Before: K. F. Kelly, P.J., and Doctoroff and Cavanagh, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating his parental rights to his child under MCL 712A.19b(3)(g), (j), and (n)(iii).<sup>1</sup> We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold the trial court did not clearly err in finding that petitioner established one or more statutory grounds for termination of respondent's parental rights. The child was made a

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<sup>1</sup> Respondent Waynetta Hines voluntarily relinquished her parental rights to the child.

temporary ward of the court almost immediately after birth based on her parents' lack of adequate housing or means to support her, and on the fact that respondent had a prior conviction in the State of Washington for a sexually assaultive offense involving a minor. Respondent was given a case treatment plan, but took no steps to comply with the plan or to stabilize his life. The trial court's finding that it was reasonably likely the child would be harmed if placed in respondent's care was based on testimony regarding respondent's remark about having sexual relations with the child and his sexual advances toward two minor females.

The trial court's findings of fact on this issue cannot be said to be clearly erroneous. See *Sours, supra*. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that respondent failed to provide proper care or custody and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g). It was reasonably likely the child would be harmed if returned to respondent's care, MCL 712A.19b(3)(j). Also, respondent had been convicted of a crime in the State of Washington that was substantially similar to a Michigan conviction of criminal sexual conduct in the second degree, MCL 712A.19b(3)(n)(iii). The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. See MCR 5.974(I); *Trejo, supra*.

Affirmed.

/s/ Kirsten Frank Kelly  
/s/ Martin M. Doctoroff  
/s/ Mark J. Cavanagh